



October 23, 2024

**Sent via ECF**

Hon. Ona T. Wang  
 Daniel Patrick Moynihan  
 United States Courthouse  
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RE: *The New York Times Co. v. Microsoft Corp., et al.* No. 1:23-cv-11195  
*Daily News, LP, et al. v. Microsoft Corp., et al.*, No. 1:24-cv-3285  
*Authors Guild et al. v. OpenAI Inc. et al.*, No. 1:23-cv-8292  
*Alter et al. v. OpenAI Inc. et al.*, No. 1:23-cv-10211

Dear Judge Wang:

I write on behalf of Defendants Microsoft and OpenAI in the above-entitled actions. As you are aware, on October 15, 2024, Defendants filed a letter brief with the Court outlining the parties' positions with respect to a coordinated deposition protocol. ECF No. 260. We write to clarify one point in that letter, which stated that "Defendants propose they will be limited to serving one consolidated 30(b)(6) notice on each Plaintiff entity. Plaintiffs are in agreement with this." *Id.*, at 5.

All parties in the above-entitled actions agree that Defendants will serve a single notice covering all topics on which they intend to seek testimony from the recipient. There is a dispute, however, as to whether the eight New York Daily News Plaintiffs should be considered a single plaintiff subject to one notice, or eight individual plaintiffs each subject to its own consolidated 30(b)(6) notice. The New York Daily News Plaintiffs advocate for the former approach; Defendants advocate for the latter.

We appreciate the Court's attention to the coordinated deposition protocol and Defendants' clarification described herein.

*/s/ Sheryl Garko*

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Sheryl Garko